

BOARD OF SELECTMEN/ASSESSORS  
Town of Berwick  
January 8, 2013  
APPROVED MINUTES

**ROLL CALL:** Chairman Haley, Selectwoman Murphy, Selectman Crichton, Selectman O'Connor and Selectman Ganiere in attendance.

**OTHERS PRESENT:** Interim Town Manager, Gary Stenhouse, Town Clerk, Melissa Albert and 15 other members of the public.

**PLEDGE OF ALLEGIANCE:** Chairman Haley led those present in the Pledge of Allegiance.

**APPROVAL OF MINUTES:** Selectwoman Murphy moved to accept the minutes of December 18<sup>th</sup>, 2012 as amended, second by Selectman Ganiere. 5/0 motion passed

**PUBLIC COMMENT:**

Andrea Oultimette, Pine Hill Road- Would like to know about the town having Kennebunk Savings Bank handling all the Town's finance's. Chairman Haley stated that the town did not engage them for an RFP yet. Chair noted that there is no objection from the Board. Town Manager and former Finance Director, Mitchell discussed with Kennebunk Savings on having the Lena Clark funds transferred to KBS from the Bank of America because Bank of America no longer wanted to handle that account. Town Manager noted that was the extent of the conversation with KBS. Chairman Haley asked if the Town Manager could work on getting proposals before he departs. Interim Manager stated that he would try but could make a definite commitment.

**COMMUNICATIONS:**

- A. Xfinity Pricing Change: Board received notice from Comcast that the prices for services have gone up for newly upgraded changes. All Comcast subscribers should have received this notice. Selectwoman Murphy asked why Berwick was more than other Towns. Town has been working with Comcast representative to obtain cable in the section of Route 4 for the businesses.
- B. York County Advocacy Group: Each of the communities chip in money. The town of Berwick funded \$155.00 to this group last year and this group keeps the cities and towns in York County informed. Advocacy group keeps an update on the legislature changes and tries to keep the money in this part of the State.
- C. Sewer District has two people that are interested in being appointed as a member of the Berwick Sewer District Trustee's. The Town Manager gave the Board a letter from Jay Wheeler stating there are two that are interested but there was no resume or letter of interest for the Board to review. Chairman Haley noted that it is not necessary for these interested parties to appear before the Board but it would be nice if they could or at least have a resume and qualifications to review before appointing them to make a decision. Town Manager will write a letter to Mr. Wheeler asking for resume's from these individuals.

*Selectwoman Murphy moved that the Board make it a practice that each member that the Board of Selectman appoints to Board's come before the Board of Selectman and introduce themselves and the same with newly hired town employees. No second, motion fails.*

**APPROVAL OF ACCOUNTS PAYABLE WARRANTS:**

TW 1325 \$ 84, 394. 68  
PR 1325 \$ 34, 593.26 \* PR 1325 is included in the total of TW 1325  
TW 1326 \$ 96, 002.10  
PR 1326 \$ 35, 932.88 \* PR 1326 is included in the total of TW 1326  
W 1326 \$ 7,420.06  
PR 1326A \$ 87.70  
TW 1327 \$88,001.53  
PR 1327 \$ 45,085.80 \* PR is included in the total of TW 1327

*Selectwoman Murphy moved to accept the warrants as presented, second by Selectman O'Connor. 5/0 motion passed.*

#### **REPORTS OF COMMITTEES: NONE**

#### **UNFINISHED BUSINESS:**

- A. BCTV Policies and Procedures: *Selectwoman Murphy moved to accept the policies and procedures for the Berwick Community Television, second by Selectman Ganiere, 5/0 motion passed.*

Selectwoman Murphy noted that she would like the Disorderly Housing Ordinance and a sign policy on the May ballot. Chairman Haley stated that these should be agenda item's soon to discuss. Chief Towne was going through the ordinance and marking the document to fit the town of Berwick.

Chairman Haley noted that the Town has some unclaimed personal property taxes that were not collected by the previous Town Manager and the previous Town Manager has not been discharged from those responsibilities.

#### **NEW BUSINESS:**

Town Manager stated that Douglas Mitchell gave his resignation on December 22, 2012 as Finance Director, and the previous Finance Director, Janet Canney came back as Interim Finance Director to clean up some matters and help the Town get back on track until the Town hires another Finance Director.

Board of Selectman received a letter of resignation from Brian Cincotta as a BCTV committee member. Chairman Haley read the letter to the Board members and audience. *Selectwoman Murphy moved to accept the letter of resignation from Brian Cincotta with regret. 5/0 motion passed. Letter will be attached to these minutes.*

#### A. Appointment of BCTV Committee:

Chairman Haley read a letter from Terri Wright to become a committee member of the BCTV. Ms. Wright introduced herself to the Board and asked to be appointed to the Committee. *Selectwoman Murphy moved to appoint Terri wright as a member of the BCTV committee, second by Selectman Ganiere, 5/0 motion passed.*

#### B. Interim Appointments and Confirmation of Town Manager Interim Appointments:

1. Town Treasurer and Tax Collector: *Pursuant to Title 30-A, Section 2636, Gary Stenhouse appoints Melissa Albert as Interim Treasurer for a term ending when a successor is named. The Board of Selectmen hereby by vote and confirm Melissa Albert as Interim Treasurer with and for the Town of Berwick. Selectman O'Connor moved to accept the appointment, second by Selectwoman Murphy, 5/0 motion passed.*
2. *Pursuant to Title 30-A, Section 2636, Gary Stenhouse appoints Melissa Albert as Interim Tax Collector for a term ending when a successor is named. The Board of Selectmen hereby vote and*

*confirm Melissa Albert as Interim Tax Collector with and for the Town of Berwick. Selectmen O'Connor moved to accept the appointment, second by Selectman Crichton, 5/0 motion passed.*

3. *Interim Finance Director: Pursuant to Title 30-A, Section 2636, Gary Stenhouse appoints Janet Canney as Interim Finance Director for a term ending March 31, 2013 or until a successor is named. The Board of Selectmen hereby vote and confirm Janet Canney as Interim Finance Director with and for the Town of Berwick. Selectman O'Connor moved to accept the appointment, second by Selectman Crichton, 5/0 motion passed.*
4. *Town Manager, Health Officer and Road Commissioner: The Board of Selectmen hereby appoint Gary Stenhouse as Interim Road Commissioner for the Town of Berwick for a term ending March 15<sup>th</sup>, 2013 or until a successor is named whichever comes first. Selectwoman Murphy moved to accept the appointment, second by Selectman O'Connor, 5/0 motion passed.*
5. *The Board of Selectmen hereby appoint Gary Stenhouse as Interim Health Officer for the Town of Berwick for a term ending March 15<sup>th</sup>, 2013 or until a successor is named whichever comes first. Selectwoman Murphy moved to accept the appointment, second by Selectman O'Connor, 5/0 motion passed.*
6. *The Board of Selectman hereby appoint Gary Stenhouse as Interim Town Manager for the Town of Berwick for a term ending March 15<sup>th</sup>, 2013 or until a successor is names whichever comes first. Selectman O'Connor moved to accept the appointment, second by Selectwoman Murphy 5/0 motion passed.*

- C. **Set Date for Public Hearing Regarding Zoning Petitions:** Chairman Haley read a memorandum from Director of Planning, Patrick Venne the memo is quoted below:  
On November 30<sup>th</sup>, 2012 the Planning Board received a citizen petition to re-zone a portion of the Rural Commercial/Industrial (RC/I) district to a designation of Transition Residential (R2) in accordance with Section 12.1.4 of the Land Use Ordinance. In accordance with Section 12.2.B of the Land Use Ordinance the Planning Board scheduled a public hearing within 30 days of November 30<sup>th</sup>, 2012, on December 27, 2012. That meeting was canceled due to inclement weather and postponed to the Planning Board's next regularly scheduled meeting which occurred January 3, 2013.

A petition is one of two out of four permissible means of initiating a proposal to amend the LUO which does not require the Planning's Board vote before the amendment proposed is heard before the Board of Selectman, the Planning Board did not vote either way whether to send this to the Board of Selectman. The Board of Selectmen is required pursuant to Section 12.2.C of the LUO to hold a public hearing on the proposed amendment. *Selectwoman Murphy moved to hold a public hearing on January 22, 2013 at 7:00 p.m. on the petition for the re-zoning pursuant to section 12.2.C in the Land Use Ordinance, second by Selectman O'Connor, 5/0 motion passed.*

Town Manager gave the Board a ten page memorandum for the Berwick Water Department regarding a request to join the Maine Water and Wastewater Agency Response Network. Town Manager will assign this to the next meeting under new business for the Board to have time to review since it was given at tonight's meeting.

Chairman Haley noted that in Leah Rachin's report she recommended that the packets the Board receives for each meeting should be on record in a file. Separate out confidential information.

Interim Finance Director gave the Board an update to date budget. Legal account is over, which makes the General Expense Account at 97%. Town Manager stated that the legal expense will be over budget by at least \$60,000. Interim Manager suggested again that a catch-all warrant should be on the ballot in May. This would allow the Board to take money from the General Fund and transfer to accounts that are over expended if the Town is within the approved budget amount. Town Manager noted that there may be some over expenditures in Administration due to the services for Interim Manager, Audit Services and Interim Finance Director. Town Manager noted that the town did not go over the total amount budgeted for FY 2012.

Highway Improvements: \$162, 224. 45, Chairman Haley noted that was the money the Board spent this year for paving improvements. He thinks that there is more money in that account because more paving is planned in the spring. Selectwoman Murphy stated that there is more money from previous years, Town Manager will check with Finance and get back to the Board on the figure.

ABATEMENTS/SUPPLEMENTALS: NONE

PUBLIC COMMENT: NONE

*Chairman Haley moved to enter in Executive Session pursuant to MRSA 405 (6) (A) to discuss legal matter, second by Selectman O'Connor 5/0 motion passed.*

The Board exited from Executive Session and Town Clerk stated that there will not be sufficient time to advertise for the January 22<sup>nd</sup>, 2013 public hearing that was voted on at this meeting. The State law requirement for public hearing notices are to advertise/post 12 days before public hearing and again 7 days before public hearing. This will not be enough time for the paper to place the AD.

Town Clerk put Director of Planning, Patrick Venne on speaker phone to confirm the law requirements.

*Chairman Haley moved to rescind the previous motion to hold a public hearing on January 22<sup>nd</sup>, 2013 at 7:00 pm on the petition for re-zoning pursuant to Section 12.2.C in the Land Use Ordinance., second by Selectwoman Murphy 5/0 motion passed.*

*Chairman Haley moved to reschedule the public hearing regarding the proposed Land Use Ordinance amendment pursuant to 12.2.C on January 29<sup>th</sup>, 2013 at 6:30 p.m.*

ADJOURNMENT: *Selectman Crichton moved to adjourn at 8:40 p.m. second by Selectman Ganiere, 5/0 motion passed.*

TO: The Berwick Selectmen/Women  
FROM: Terri Wright  
RE: Appointment to BCTV Committee  
DATE: December 18, 2012

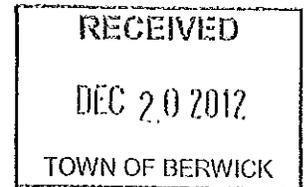
I am writing to you today to introduce myself. My name is Terri Wright and I have asked to join the Berwick Community TV Committee. If I am correct, I believe this information will come before you this evening.

Previously, I was a member of the Recreation Committee and when our children were in school, I served as Chair of the Berwick Parent Teacher Association. While watching one of your meetings, I heard Derek Gould state that the BCTV Committee had need of members.

While working in Concord, NH, I participated in several educational programs given by their community television station. While I cannot say I am technologically savvy, I can say I have experience with some forms of technology and I am a willing learner. My strong points are adult education, program development, and instructional design. All of these are traits I believe useful when trying to build a program.

I look forward to working with this committee and hope you will approve my appointment.

Terri Wright  
96 Cemetery Rd.  
698-5326



THE BERWICK BOARD OF SELECTMEN

20 DECEMBER 2012

Due to the demands of On-going and new commitments I am no longer able to volunteer as a member of the Berwick Community Television Committee.

Respectfully,

*Brian D. Cincotta*

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